



17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, SEPTEMBER 18, 2002**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**5:00 P.M.**

*A Special Meeting Is Called at 5:00 P.M. for the Purpose of  
Conducting Closed Sessions.*

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk Torrez)

**5:00 P.M.**



## ***City Council Action and Redevelopment Agency Action***

### **OPPORTUNITY FOR PUBLIC COMMENT**

#### **CLOSED SESSION:**

**1.**

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code 54957

Public Employee Performance Evaluation: City Attorney

Attendees: City Council, City Attorney

**2.**

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

**3.**

#### **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

**4.**

#### **EXISTING LITIGATION:**

Case Title: Kennedy et al. v. Davis et al.

Case Name/No.: Santa Clara County Superior Court Case No. CV 803679

**5.**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)

Case Name/Number: City of Morgan Hill et al. v. CalPERS; OAH No. 5119

Court: Board of Administration, California Public Employees' Retirement System

Attendees: City Council, City Manager, City Attorney

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**



**7:00 P.M.**

**SILENT INVOCATION**

“Mayor for the Day”

*Katie Rick*

**PLEDGE OF ALLEGIANCE**

“Mayor for the Day”

*Katie Rick*

**PROCLAMATION**

“Mayor for the Day”

*Katie Rick*

“Constitution Week”

*Nathalie Averett*

*National Society of Daughters of the American Revolution*

**CITY COUNCIL REPORT**

Council Member Sellers

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY  
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 1 - 12** The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.



**Consent Calendar: 1 - 10 Minutes**

- 1) **ESTABLISH NEW CLASSIFICATION AND SALARY RANGE FOR NEW POSITION OF “FACILITIES MAINTENANCE SPECIALIST”** ..... 1  
**Recommended Action(s):** Adopt the New Job Description and Salary Range for the Position of Facilities Maintenance Specialist.
  
- 2) **CONTRACT FOR CONSULTANT PLANNING SERVICES** ..... 11  
**Recommended Action(s):** Authorize the City Manager to Execute a Consultant Services Agreement for Contract Planning Services at a Cost Not to Exceed \$30,000, Subject to Review by the City Attorney.
  
- 3) **COMMUNITY AND CULTURAL CENTER PROJECT AUGUST CONSTRUCTION PROGRESS REPORT** ..... 21  
**Recommended Action(s):** Information only.
  
- 4) **FINAL MAP ACCEPTANCE FOR CAPRIANO PHASE IV (TRACT 9451)** ..... 31  
**Recommended Action(s):**
  1. Approve the Final Map, Subdivision Agreement, and Improvement Plans;
  2. Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
  3. Authorize the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
  
- 5) **ACKNOWLEDGMENT OF NO BIDS FOR PUBLIC WORKS OFFICE EXPANSION PROJECT** ..... 43  
**Recommended Action(s):**
  1. Acknowledge That No Bids Were Received; and
  2. Authorize Staff to Negotiate Purchase Orders with Qualified Sub-contractors with Help from Our Building Maintenance Division to Perform the Work per Public Contract Code Section 20166.
  
- 6) **AMEND CONSULTANT AGREEMENT WITH RMW ARCHITECTS FOR DESIGN OF PUBLIC WORKS OFFICE EXPANSION PROJECT** ..... 45  
**Recommended Action(s):** Amend Consultant Agreement with RMW Architects for Design of the Public Works Office Expansion Project, Subject to City Attorney Approval.
  
- 7) **ACCEPT AS COMPLETE THE MADRONE AVENUE UNDERPASS SEISMIC RETROFIT PROJECT** ..... 49  
  1. Accept as Complete the Construction of the Madrone Avenue Underpass Retrofit Project in the Final Contract Amount of \$48,161.56; and
  2. Direct the City Clerk to File the Notice of Completion With the County Recorder’s Office.
  
- 8) **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9210, MISSION RANCH PHASE IV** ..... 53  
  1. Adopt Resolution No. 5615, Accepting the Subdivision Improvements Included in Tract 9210, Commonly Known as Mission Ranch Phase IV; and
  2. Direct the City Clerk to File a Notice of Completion with the County Recorder’s Office.
  
- 9) **AUGUST 2002 FINANCE AND INVESTMENT REPORT** ..... 59  
**Recommended Action(s):** Accept and File Report.
  
- 10) **FINAL FISCAL YEAR 2001/2002 BUDGET ADJUSTMENTS** ..... 83  
**Recommended Action(s):** Approve Proposed Final Budget Adjustments for the 2001/2002 Fiscal Year.
  
- 11) **APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR AUGUST 29, 2002** ..... 87



12)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR SEPTEMBER 4, 2002</u> .....	89
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## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 13 - 14**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
13)	<u>APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING OF AUGUST 28, 2002</u> .....	91
14)	<u>APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING OF SEPTEMBER 4, 2002</u> .....	105

## ***City Council Action***

### **CONSENT CALENDAR:**

#### **ITEM 15**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
15)	<u>ACCEPT AS COMPLETE THE 2001-2002 PAVEMENT RESURFACING PROJECT PHASE II - DOWNTOWN MONTEREY ROAD</u> .....	131
1.	<u>Accept</u> as Complete the Construction of the 2001-2002 Phase II Street Resurfacing and Reconstruction Project - Downtown Monterey Road in the Final Amount of \$426,168.32; and	
2.	<u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	

## ***City Council and Redevelopment Agency Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>	<b>Page</b>
16)	<b>3 Minutes</b>	
	<u>AMENDING OF MUNICIPAL CODE SECTION 17.50.094 REGARDING PAYMENT OF DEVELOPMENT IMPACT FEES</u> .....	135
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
	Council Discussion.	
	Action- <u>Motion to Waive the</u> Reading in Full of Ordinance 1584, New Series.	
	<u>Motion to Introduce</u> the Ordinance 1584, New Series by Title Only. (Roll Call Vote)	
17)	<b>10 Minutes</b>	
	<u>ANNEXATION APPLICATION, ANX-02-01: COCHRANE-BORELLO I</u> .....	139



Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.  
Council Discussion.  
Action- Motion to Adopt Resolution No. 5614, Approving Annexation.

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
18)	45 Minutes	<b><u>DEVELOPMENT PROCESSING SERVICES STUDY</u></b> .....	153
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Receive Report</u></b> on City of Morgan Hill Development Processing Services;	
		2. <b><u>Consider</u></b> Consultant Presentation; and	
		3. <b><u>Direct Staff</u></b> to Respond to the Report and the Consultant's Recommended Actions at a Future City Council Meeting.	
19)	10 Minutes	<b><u>STATUS REPORT ON BUS SHELTERS</u></b> .....	239
		<b><u>Recommended Action(s): Information</u></b> only at this time.	
20)	15 Minutes	<b><u>STATUS REPORT ON IMPLEMENTATION OF THE CITY'S BIKEWAYS MASTER PLAN</u></b> .....	251
		<b><u>Recommended Action(s): No Action Required</u></b> , Information only at this time.	
21)	10 Minutes	<b><u>COMMUNITY AND CULTURAL CENTER NAMING</u></b> .....	261
		<b><u>Recommended Action(s): Select</u></b> Appropriate Names for the Community and Cultural Center Campus, Buildings, and Rooms.	
22)	5 Minutes	<b><u>REVIEW UPCOMING MEETING SCHEDULE FOR OCTOBER 2, 2002</u></b> .....	269
		<b><u>Recommended Action(s): Discussion</u></b> and <b><u>Direction</u></b> Regarding Cancellation of the October 2, 2002 City Council Meeting.	

### **SECOND READING OF ORDINANCE:** Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- **Adopt** Ordinance by roll call vote.

23)	1 minute	<b><u>ADOPT ORDINANCE NO. 1583, NEW SERIES</u></b> .....	271
		An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement, DA-02-02: Cochrane-Coyote Estates for Application MP 01-02: Cochrane- Coyote Estates (APN 728-43-020)	



***City Council and Redevelopment Agency Action***

<u><b>OTHER BUSINESS:</b></u>		
	<b>Time Estimate</b>	<b>Page</b>
24)	60 Minutes	
	<u><b>DRAFT ECONOMIC DEVELOPMENT STRATEGY GOALS, POLICIES, AND ACTIONS</b></u>	<b>275</b>
	<u><b>Recommended Action(s):</b></u>	
	1. <u><b>Discuss</b></u> the Draft Economic Development Strategy Goals, Policies, and Actions; and	
	2. <u><b>Direct</b></u> Staff How to Proceed.	

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**  
Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**